

IV. PROCEDURES FOR EVALUATION AND DETERMINATION OF ELIGIBILITY

The child identification system in Iowa is an ongoing program involving local education agencies (LEAs), area education agencies (AEAs), and the State Education Agency (SEA). Its principle function is to facilitate the identification, evaluation and placement of children and young adults with disabilities in an educational program that is appropriate to their needs. Iowa's system contains the following components: initial identification/referral, diagnosis/evaluation, service delivery, and reassessment. Initial identification/referral activities are conducted with the Iowa Department of Human Services, the Iowa Department of Public Health, public and private preschool facilities, local hospitals, public and private family and pediatric physicians, and a variety of parent support groups which function within the geographic boundaries of each AEA. These agencies receive periodic updates which describe referral procedures to assist in the child identification process. These activities continue throughout each year.

Iowa policy defines roles and responsibilities of AEAs and LEAs in providing for the ongoing proper identification, evaluation and placement of children and young adults requiring special education. Iowa's AEAs and LEAs must provide policies and procedures they use to evaluate and determine eligibility for special education services.

Each public agency in Iowa with special education responsibilities assures that a full and individual initial evaluation is provided to each child suspected of having a disability before the initial provision of special education and related services.

Each public agency in Iowa assures, at a minimum, that the following requirements are met:

1. The assessment procedures, tests and other evaluation materials used in the identification process shall be provided and administered in the individual's native language or other mode of communication, unless it is clearly not feasible to do so. Materials and procedures used to assess an individual with limited English proficiency are selected and administered to ensure that they measure the extent to which the individual has a disability and needs special education, rather than measuring the individual's English language skills. The tests and other evaluation materials are selected and administered so as not to be racially or culturally discriminatory.
2. A variety of assessment tools and strategies are used to gather relevant functional and developmental information about the individual, including information provided by the parent, and information related to enabling the individual to be involved in and progress in the general curriculum (or for a preschool child, to participate in appropriate activities), that may assist in determining whether the individual is an eligible individual and in determining the content of the IEP. The tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the tests. Additionally, if an assessment was not conducted under standard conditions, a description of the extent

to which it varied from standard conditions (e.g., the qualifications of the person administering the test, or the method of test administration) must be included in the evaluation report. The tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient. The tests and other evaluation materials are selected and administered so as best to ensure that if a procedure or test is administered to an individual with impaired sensory, manual, or speaking skills, the test results accurately reflect the individual's aptitude or achievement level or whatever other factors the procedure or test purports to measure, rather than reflecting the individual's impaired sensory, manual, or speaking skills (unless those skills are the factors that the procedure or test purports to measure).

3. No single procedure is used as the sole criterion for determining whether the individual is an eligible individual and for determining an appropriate educational program for the individual. An initial evaluation of the individual's educational needs shall be completed before any action is taken with respect to the initial provision of special education and related services. Written parental consent as required in the Iowa Rules of Special Education shall be obtained prior to conducting the evaluation. The purpose of the evaluation is to determine the educational interventions that are required to resolve the presenting problem, behaviors of concern, or suspected disability, including whether the educational interventions are special education.
4. Iowa's requirement for general education interventions provides teams with far more needs-based information than previous systems. Each LEA, in conjunction with the AEA, shall attempt to resolve the presenting problem or behaviors of concern in the general education environment prior to conducting a full and individual evaluation. In circumstances when the development and implementation of general education interventions are not appropriate to the needs of the individual, the IEP team and, as appropriate, other qualified professionals, may determine that a full and individual initial evaluation shall be conducted. Documentation of the rationale for such action shall be included in the individual's educational record. The parent of a child receiving general education interventions may request that the agency conduct a full and individual initial evaluation at any time during the implementation of such interventions.
5. Each LEA shall provide general notice to parents on an annual basis about the provision of general education interventions that occur as a part of the agency's general program and that may occur at any time throughout the school year.
6. General education interventions shall include teacher consultation with special education support and instructional personnel working collaboratively to improve an individual's educational performance. The activities shall be documented and shall include measurable and goal-directed attempts to resolve the presenting problem or behaviors of concern, communication with parents, collection of data related to the presenting problem or behaviors of concern, intervention design and implementation, and systematic progress monitoring to measure the effects of interventions.
7. If the referring problem or behaviors of concern are shown to be resistant to general education interventions or if interventions are demonstrated to be effective but require continued and substantial effort that may include the provision of special

education and related services, the agency shall then conduct a full and individual initial evaluation.

8. An evaluation shall include collection of additional information needed to design interventions intended to resolve the presenting problem, behaviors of concern, or suspected disability, including, if appropriate, assessment or evaluation of health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, adaptive behavior and motor abilities. Evaluations are sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified (if any).
9. The tests and other evaluation materials used in the full and individual evaluation are technically sound and assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
10. The assessment tools and strategies provide relevant information that directly assists persons in determining the educational needs of the individual.

As part of an initial full and individual evaluation and as part of any reevaluation, the IEP team and, as appropriate, other qualified professionals, shall:

- a) Review existing evaluation data on the individual including evaluations and information provided by the parents of the individual, current classroom-based assessments and observations, observations by teachers and related services providers and the results of general education interventions.
- b) On the basis of the review and input from the individual's parents, identify what additional data, if any, are needed to determine:
 - (1) Whether the individual has a disability or, in case of a reevaluation, whether the individual continues to have a disability.
 - (2) The present levels of performance and educational needs of the individual.
 - (3) Whether the individual needs special education and related services or, in the case of a reevaluation, whether the individual continues to need special education and related services.
 - (4) Whether any additions or modifications to the special education and related services are needed to enable the individual to meet the measurable annual goals set out in the IEP of the individual and to participate, as appropriate, in the general curriculum or, in the case of preschool children, appropriate activities.

The evaluation team may conduct its review and make decisions without a meeting. Team members shall administer tests and other evaluation materials and use assessment tools and strategies as needed to produce the data identified above.

If the group determines that no additional data are needed to determine whether the individual continues to have a disability, the agency shall notify the individual's parents of the team's determination and the reasons for it, and of the right of the parents to request an assessment to determine whether, for purposes of services described in these rules, the individual continues to have a disability. The agency is not required to conduct this assessment unless requested to do so by the individual's parents.

Upon completing the full and individual initial evaluation, the IEP team and other qualified professionals as appropriate shall determine whether the individual is an individual with a disability as defined in Division II and whether the educational interventions that the individual requires constitute the provision of special education and related services as defined in Division II and described in Division IX. A copy of the evaluation report and the documentation of determination of eligibility shall be provided to the parent.

Upon completing the full and individual initial evaluation, the IEP team and other qualified professionals as appropriate shall determine whether the individual is an individual with a disability and whether the educational interventions that the individual requires constitute the provision of special education and related services. An individual shall not be determined to be an eligible individual if the determinant factor for the decision is a lack of instruction in reading or math, or limited English proficiency.

In making this determination, the evaluation team shall draw upon information from a variety of sources including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior. If a determination is made that a child has a disability and needs special education and related services, an IEP must be developed for the child.

Each agency shall assure that the IEP of each eligible individual is reviewed and that a reevaluation of each eligible individual is conducted every three years or more frequently if conditions warrant, if an eligible individual's parent or teacher requests an evaluation, or before determining that the individual is no longer eligible. A reevaluation of an eligible individual is not required before the termination of eligibility due to graduation with a regular high school diploma, or exceeding the age eligibility for FAPE under these rules.

Legal References

Federal Requirements:

20 USC 1401 (3)	Defines a child with a disability
20 USC 1412(a)(7).....	Requirement for evaluation (assessment).
20 USC 1414.....	Requirements for evaluation and reevaluation
34 CFR 300.126.....	Procedures for evaluation and reevaluation
34 CFR 300.320.....	Initial evaluations
34 CFR 300.321	Reevaluations
34 CFR 300.530.....	Procedures for evaluation
34 CFR 300.531	Initial evaluations
34 CFR 300.532.....	Evaluation procedures
34 CFR 300.533.....	Determination of needed data
34 CFR 300.534.....	Determination of eligibility
34 CFR 300.535.....	Determining eligibility and placement
34 CFR 300.536.....	Reevaluation
34 CFR 300.540.....	Additional team members
34 CFR 300.541	Criteria for specific learning disability
34 CFR 300.542.....	Observation in regular class (SLD)
34 CFR 300.543.....	Written report for SLD

Iowa Requirements:

Code of Iowa, Chapter 273.5(1)-(2) Area Education Agencies - Special Education

Code of Iowa, Chapter 256B Special Education

Iowa Administrative Rules of Special Education

Division I, “Definitions, General Principles, Scope” 41.1 through 41.3(2)

Division IV - Responsibilities of Agencies 41.15 through 41.17(7)

Division II - Definitions 41.5-41.6

Division IX. - Services 41.82-41.98

281-41.49(1) - Materials.

281-41.49(4) - Nondiscriminatory.

281-41.49(5) - Tools and strategies.

281-41.49(1) - Materials.

281-41.49(2) - Tailored tests and materials.

281-41.49(3) - Impaired sensory, manual or speaking skills.

281-41.49(6) - No single procedure.

281-41.48(3) - Full and individual initial evaluation.

281-41.48(6) - Need for additional data.

281-41.48(2) - General education interventions.

281-41.49(1) - Materials.

281-41.49(5) - Tools and strategies.

281-41.48(4) - Determination of needed evaluation data.

281-281-41.77 - Reevaluation

281-281-41.62(1) - Participants in meetings

281-281-41.48(5) - Conduct of review.

281-41.50 - Determining eligibility and need for service

281-41.48(7) Additional data not needed. If the group as described in subrule
41.62(1)